

# The Workers' Compensation Forum

A Publication of the Massachusetts Department of Industrial Accidents

October, 2006

*Inaugural Edition*

Vol. I, No. 1

## DIA Launches Public Newsletter

Publication to be a source of news, information and open discussion regarding the DIA and the Massachusetts Workers' Compensation System

*By Henry J. Swiniarski*

**Boston** – Information is, and always will be, a valuable commodity. That is especially true when one must navigate bureaucracies and laws.

I have always believed that government must do its best to serve the people every day. Keeping open lines of communications between the DIA and its constituencies is, in my opinion, one of the very best ways we can do that.

That is why I am excited about this the inaugural edition of *The Workers' Compensation Forum*. This quarterly newsletter will not only serve to bring the reader news and information about the DIA and the workers' compensation system, but it is also intended to open a dialogue between all of us who have a vested interest in the system – businesses, injured workers, insurers, unions, attorneys, and vocational rehabilitation providers, to name just a few.

With that, I want to welcome you the reader to give us your feedback on happenings in the workers' compensation system here and in other states so that this agency can listen, learn and respond to your concerns.

The workers' compensation system plays a vital role in our society and in our economy. When the system is operating well, injured workers receive an appropriate level of benefits in a timely manner. It also means that costs are under control and businesses are able to be more productive - further driving economic growth.

As the proprietor of the Massachusetts workers' compensation system, the DIA has the duty to manage its daily operations, including

our courts, in a way that keeps the system running optimally.

To meet our mission we must keep our constituents informed of what we are doing and how we are doing it. A free exchange of information and ideas will help this agency and the system it oversees to flourish.



**Henry J. Swiniarski is the Commissioner of the Department of Industrial Accidents**

It is my hope that *The Workers' Compensation Forum* provides its readership not only with important information but an opportunity to connect directly with the DIA and others in the workers' compensation community.

Therefore, I encourage you to read this newsletter and provide us with your thoughts on what works, what needs improvement and what information you would like to see in future editions.

Please send your comments and suggestions to [Info2@dia.state.ma.us](mailto:Info2@dia.state.ma.us) and be sure to mention the Forum in the subject line. We look forward to hearing from you. ■

To get a free subscription to *The Workers' Compensation Forum* e-mail us at [Info2@dia.state.ma.us](mailto:Info2@dia.state.ma.us) and ask to be placed on the mailing list.

## DIA Again Lowers Assessment Rates for Businesses

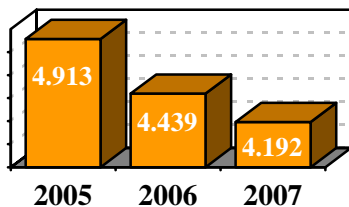
*Rate cuts over the last two years have saved Mass. Employers \$10 million.*

*By Thomas Rashid*

**Boston** - The Romney/Healey Administration, through the Department of Industrial Accidents (DIA) has announced that, once again, assessment rates paid by employers on their workers' compensation policies have been reduced. For this year the rate was cut from 4.39 to 4.19%.

The rate cut represents a 5% reduction in assessments on all workers' compensation policies compared to last year. That means businesses in Massachusetts will save an estimated \$2.5 million in workers' compensation costs in Fiscal Year 2007. The new assessment rates took effect on July 1, 2006.

This is the second assessment rate cut in a row for the Commonwealth. Over this two year period of time, the rate has been cut by a total of 16% which translates into a savings of approximately \$10.2 million for the employers in the state.



*Assessment rates by fiscal year.*

"Once again, we have been able to reduce the cost of doing business in Massachusetts," said DIA Commissioner Henry J. Swiniarski.

"Through reforms, refinements and new initiatives supported by Governor Romney and Lieutenant Governor Healey, the Department of Industrial Accidents has been able to operate more efficiently. The savings realized from those changes are passed along to the businesses of the Commonwealth in the form of lower assessments," said Director of Labor, Gayl Mileszko.

The assessments on all workers' compensation policies in Massachusetts provide the funding for operation of the DIA as well as the Workers' Compensation Trust Fund (WCTF). The WCTF provides payment for benefits to injured

workers when their employer fails to carry the proper insurance – a violation of law. ■

---

## DIA Moves Toward a Paperless Dispute Resolution System

*A Forum Staff Report*

**Boston** - The Department of Industrial Accidents (DIA) has begun the process of constructing a Document Management System (DMS) for its dispute resolution process.

The DMS will allow the agency, which is the court for all disputed workers' compensation claims in Massachusetts, to electronically store all documents related to its case files and eliminate the need to keep massive amounts of paper files on hand.

This new system will streamline the dispute process and reduce costs significantly in terms of work-hours, rental of storage space and related paper expenses (reproduction, transmittal by courier or mail, etc.). DIA's document management system will provide a more efficient means of tracking and controlling court documents that are submitted to the DIA in conjunction with disputed workers' compensation claims.

Further, such a system will allow for faster turnaround time for public records, while adhering to all provisions of the law.

Over the course of the next few months the DIA will be updating the public on the progress of this project and having open discussions with its constituencies (injured workers, attorneys, insurers and health care providers).

The vendor for this project, selected through a competitive bid process, will be announced in mid-October. Implementation will likely begin in November, after conducting a full business process analysis with the DIA to ensure that the product is exactly what the agency needs, is on time and on budget. ■

## No Island Sanctuary for Uninsured Businesses

By Lisa Gilgan

**Edgartown** - Martha's Vineyard in the summer is certainly something to behold. Beautiful beaches, quaint villages, shops and restaurants filled with vacationers seeking an island getaway from their daily lives. What better place to lose yourself in the summer sun.

All those tourists means steady work for seasonal and year-round businesses that call the island home.

But some of those businesses were, until recently, hiding a secret...they didn't have workers' compensation insurance for their employees, a violation of Massachusetts law.

For this group of employers, the island would provide no sanctuary from the law. They found this out the hard way after five investigators from the DIA conducted a weeklong sweep of Martha's Vineyard to verify that businesses carried the necessary insurance for each of their employees.

The team investigated over 100 businesses during that week in mid-June and issued 22 Stop Work Orders against violating employers.

"We got their attention," said Director of Investigations John Zimini who led the operation.

"This type of enforcement sweep gives employers pause and lets them know that we are out there and we are watching to make sure all employers carry workers' compensation insurance," Zimini added.

Massachusetts General Laws chapter 152, §25A requires all employers in the Commonwealth to carry workers' compensation insurance at all times. Failure to do so may result in the issuance of a Stop Work Order. An SWO requires the business to cease operating until such time as a policy is in place and the offender pays a fine of \$100 per day until the policy is secured and the fine is paid [see [M.G.L. c. 152, §25C](#)].

It may sound like a nice assignment, but the investigators did not have much time to enjoy the scenery.

"We put in some long hours that week," said investigator John Davies. "We were up early tracking down leads and worked well into the evening getting our notes and reports in order," he added. Zimini was pleased with the results and looks forward to other targeted sweeps of regions and/or industries.

## FY 2008 Safety Grant Process to Begin in November

By Gayann Wilkinson

**Boston** – It's the bad news every manager and business owner dreads hearing..."There was an accident. Bob was badly injured and we had take him to the hospital."

Workplace injuries are a source of great suffering for the injured worker who, in some cases, may never again return to gainful employment.

But most on-the-job injuries can be avoided with proper training and by creating a culture of safety in the workplace.

DIA administers the Occupational Safety, Health Education and Training Program (or safety grant program) that seeks to reduce workplace injuries by funding high quality safety training for Massachusetts employers and organizations.

The overall objective of the safety grant program is to reduce work related injuries and illnesses by funding training programs that focus on prevention.

During the last four years, 180 grants have been awarded for a total of \$3.2 million, training over 60,000 workers in most every occupation.

Through this program, the DIA also seeks to raise awareness and compliance with state and federal occupational safety and health standards and regulations.

The DIA awards grants to qualified applicants based upon a competitive selection process, utilizing the Commonwealth's Grant Application procedure.

In November, a notice will be issued seeking qualified applicants for the FY 2008 program. The Proposal Selection Committee will evaluate all proposals using a uniform set of criteria.

The application deadline is generally the first or second week of March. The Committee recommends a list of qualified applicants for funding. Upon approval of Commissioner, the qualified applicants are awarded safety grants of up to \$25,000. To learn more – visit us on line at [www.mass.gov/dia/Safety/index.htm](http://www.mass.gov/dia/Safety/index.htm). ■

*Gayann Wilkinson is the Director of the Office of Safety*